

July 19, 2018

Submitted Electronically

The Honorable Greg Walden
Chairman
Committee on Energy and Commerce
U.S. House
Washington, DC 20515

The Honorable Gregg Harper
Ranking Member
Subcommittee on Oversight and Investigations
U.S. House
Washington, DC 20515

Chairman Walden and Ranking Member Harper,

The Oregon Association of Hospitals and Health Systems (OAHHS) appreciates the opportunity to respond to your questions about the availability of sexual assault forensic exam kits (SAFE kits).

OAHHS is a statewide, nonprofit trade association representing all 62 acute care hospitals in Oregon. OAHHS works closely with local and national government leaders, business and citizen coalitions, and other professional health care organizations to enhance and promote community health. OAHHS has been working and building relationships with the Oregon Attorney General's Sexual Assault Task Force (Oregon SATF) over the past year connecting hospitals with the Oregon SATF for technical assistance and resources relating to sexual assault trauma.

The Oregon SATF is a private, non-profit, non-governmental statewide agency which seeks to facilitate cross-discipline collaboration and cultivate victim-centered approaches to sexual assault primary prevention, victim advocacy, medical forensic care, criminal prosecution, and sex offender management and treatment. The Oregon SATF operates three programs; a sexual assault training institute, a prevention program, and a sexual assault nurse examiner program. The Oregon SATF oversees and appoints the members of the Oregon Sexual Assault Examiners (SAE) and Sexual Assault Nurse Examiners (SANE) Certification Commission.

The Oregon SAE/SANE Certification Commission's purpose is to approve the certification of registered nurse practitioners and nurses practicing in Oregon who fulfill the requirements to become SAE/SANE. It is the commission's mission to ensure nurses and health care practitioners who provide sexual assault medical care and conduct forensic examinations in Oregon have the necessary training and qualifications to do so in accordance with the best standards of care using a victim-centered approach.

In the 2003 Oregon Legislative Session, legislators passed SB 752 which created the Sexual Assault Victims' Emergency Medical Response Fund (SAVE Fund). The SAVE Fund is comprised of funds from the Criminal Injuries Compensation Account of the Department of Justice, federal funds, and private donations. The SAVE Fund ensures that medical assessments are available to every sexual assault victim in the state, regardless of ability to pay. The SAVE Fund pays for a "Complete Medical Assessment," which includes a medical examination and the collection of forensic evidence. The Complete Medical Assessment must be conducted within 84 hours of the assault. The SAVE Fund also pays for a "Partial Medical Assessment," which does not include the collection of forensic evidence and must be conducted within 7 days of the assault. The SAVE Fund does not cover the cost of treatment of injuries.

In the 2018 Oregon Legislative Session, legislators passed HB 4049, directing the Oregon State Police (OSP) to establish a committee on tracking of SAFE kits. The legislation specifies the duties of committee and membership, requires OSP to implement the committee's recommendations for a SAFE kit tracking system and identifies the requirements of the tracking system. HB 4049 requires all law enforcement agencies, medical facilities, crime laboratories, and others to fully participate in tracking system within one year of the system becoming operational and requires the committee submit a status report to the Task Force on Testing of SAFE Kits, Governor, and Attorney General no later than January 1, 2019.

In its letter to us, the subcommittee posed several specific questions. Our responses are listed below.

How many hospitals in Oregon is Oregon Association of Hospitals and Health System aware of that have a SANE program?

The Oregon SATF recommends an entity must be organized (ex. call schedule, established reimbursement, and infrastructure) and have a consistent response time to be considered a SANE program. Currently, in Oregon, we are aware of 21 hospitals that participate in a regional SANE program and three hospitals that operate their own SANE program.

- Fifteen hospitals contract with Rapid SAVE Investigators (RSI) for their regional SANE program.
- Three hospitals in central Oregon contract with RSI for their regional SANE program.
- In southern Oregon three hospitals contract with Sexual Assault Response Teams (SARTs) for their regional SANE program.
- Three hospitals operate their own SANE program.

Additionally, 38 hospitals are listed as employers of certified SANEs and 40 hospitals have sought reimbursement through the SAVE Fund.

Outside of these models, a SANE may also be employed by one hospital and may contract with many hospitals for these specific services. Based on data the Oregon SATF maintains, there are 144 certified SANEs in Oregon. This does not include nurses who are trained but not certified, nationally certified, or certified in another state and practicing in Oregon. Oregon does not require a nurse to be certified as a SANE in order to perform a sexual assault exam; a registered nurse without certification must provide proof of current SANE competency that is consistent with the Commission's standards.

There are multiple ways a nurse or health care provider can be trained or certified as a SAE/SANE. Oregon has established its own certification process through the Oregon SAE/SANE Certification Commission. This training is provided through the Oregon SATF. Additionally, the Oregon SAE/SANE Certification Commission has established standards ([ORS 147.403](#)) for the training and education requirements required for an Oregon registered nurse to perform a sexual assault exam. Nationally, the International Association of Forensic Nurses has established SANE educational guidelines and provides online SANE training to registered nurses or advanced practice registered nurses.

Oregon does not have a public registry of SANE certified or trained SAE examiners.

Does Oregon Association of Hospitals and Health System maintain a database of hospitals and/or other entities across Oregon that have a SANE program? If so, is that database publicly available?

OAHHS does not maintain a database of hospitals and/or other entities across Oregon that has a SANE program. By law ([ORS 147.403](#)) each hospital shall adopt policies for the treatment or referral of acute sexual assault patients and the district attorney in each county shall organize a SART (Sexual Assault Response Team) ([ORS 147.401](#)).

The Oregon SATF has two lists of SANE providers and the facilities where they practice. This list is available upon request.

What steps, if any, has the Oregon Association of Hospitals and Health System taken to increase access or address the lack of access to SAFE kits in hospitals across Oregon? Does Oregon Association of Hospitals and Health System partner with law enforcement agencies in any capacity to provide access to SAFE kits?

As previously mentioned, OAHHS has been working in collaboration with our partners at Oregon SATF. Most recently, OAHHS held a webinar for hospital staff in partnership with the Oregon SATF that reviewed hospital obligations when a sexual assault patient presents for treatment, county mandates around SARTs, and patient rights specific to post-sexual assault, including: personal representatives, financial coverage for medical-forensic exams, and options around law enforcement involvement.

OAHHS and Oregon SATF have been discussing ways to improve hospital policies and the number of SANEs trained in hospitals across Oregon.

Currently in Oregon, SAFE kits are provided free of charge from the forensic laboratories through the Oregon State Police. We are not aware of any shortage or lack of access to SAFE kits in hospitals across Oregon.

What challenges has Oregon Association of Hospitals and Health System identified that hospitals face in providing access to these services? How is Oregon Association of Hospitals and Health System working with your hospitals to address those challenges?

All Oregon emergency room physicians can perform a sexual assault medical assessment and collect forensic evidence. Many hospitals cross train their registered nurses to be SAE/SANE and some of those nurses may work in multiple hospitals. Only registered nurses who have a valid Oregon license, certified and trained as SANE/SAE can provide forensic examinations of sexual assault victims.

Oregon SAE/SANE Certification Commission criteria for certification is:

- Hold a current unrestricted RN, NP, PA, MD, or DO license in Oregon.
- Have two years of nursing or clinical experience.

- Maintain an average of 16 hours per month of relevant active clinical patient care practice.
- Complete a 40-hour didactic adult/adolescent SANE/SAE training that meets the National Training Standards for Sexual Assault Medical Forensic Examinations set by the International Association of Forensic Nurses (IAFN).
- Complete all non-clinical certification requirements, including meeting with law enforcement, the District Attorney's office, an advocacy organization, and the crime lab, as well as doing court observation.
- Complete ten pelvic speculum exams and be able to demonstrate competency.
- Observe one sexual assault medical forensic exam by an experienced SANE/SAE.
- Complete three sexual assault medical forensic exams with increasing independence, de-identified and submitted on the Oregon SA Medical Forensic Exam Form 2016 or 2017.
- Complete one critique and self-reflection for each sexual assault medical forensic exam demonstrating self-awareness and improving skills.

Small and rural hospitals typically only have one emergency physician available at any time and may not have a SAE/SANE qualified examiner on staff. (Rural providers do not see the volume of sexual assault cases needed to maintain a provider's SAE/SANE certification). The exam, collection and documentation of forensic evidence typically take 4-6 hours; ideally with no disruption. If an emergency physician begins a sexual assault medical assessment the hospital would likely need to have its emergency department go on divert if another emergency presents in order to prevent an interruption in the exam. With that said, rural hospitals often do not have their emergency room physicians perform the sexual assault medical assessment and will transfer the patient to a hospital with a higher level of care if they do not have access to a SANE provider.

If the victim is a child, and they do not present at a specialized children's hospital they will likely be transferred to a higher level of care facility that specializes in children's needs. The local community hospital may not have the infrastructure or personnel that specialized in performing a sexual assault medical assessment. The current response to acute child and adolescent sexual assault in Oregon differs from county to county. The response depends on county protocols, provider training, provider availability and access to child abuse providers.

In general, when a patient needs to be transferred, these transfers are done via an ambulance. However, the patient may decide to have a family member or friend take them via a private car. The patient also has the right to excuse themselves or self-release themselves. If this is the case, the patient signs a release form and it is documented in the patient's medical chart.

In building a relationship with the Oregon SATF, we have opened the lines of communication so we can 1) identify hospitals that need assistance with their policies; 2) identify hospitals that might have capacity and would benefit from having more nurses participate in SANE training; and 3) be a conduit to push communications and information between the Oregon SATF and member hospitals including training opportunities and resources. The Oregon SATF provides training and resources for Oregon hospitals and OAHHS will connect hospitals with those resources to address any challenges.

For hospitals in Oregon that do not have a SANE program, does Oregon Association of Hospitals and Health System provide guidance, standards, or best practices on how to treat patients that

come to the hospital seeking a SAFE kit? If so, what procedures are recommended? If so, please provide copies of any such guidance, standards, or best practices. Do the procedures vary for hospitals in rural and urban areas, or based on the availability of local alternatives, such as a rape crisis center?

OAHHS provides venues and opportunities for those more qualified on SAFE kits to provide such guidance to Oregon hospitals. In partnership with Oregon SATF, OAHHS held a webinar, "[Sexual Assault: New Regulations & Laws](#)" on June 20, 2018 for hospital staff. The webinar reviewed hospital obligations when a sexual assault patient presents for treatment, county mandates around SARTs, and patient rights specific to post-sexual assault, including: personal representatives, financial coverage for medical-forensic exams, and options around law enforcement involvement. OAHHS and the Oregon SATF recommended hospitals 1) ensure their transfer policy for victims of sexual assault mirrors a transfer for any other specialty and 2) hospitals should be in touch with or develop relationships with their local SART.

OAHHS and hospitals are committed to providing care at the right place and the right time. This is a balance for many of our rural hospitals serving our frontier communities where resources and capacity are limited. Oregon does not have enough SANE providers to be available at every hospital, but hospitals can ensure triage, stabilization and transport for all patients regardless of the level of care needed. For rural hospitals, providing a SANE is particularly challenging because the lack of available financial resources, and, a SANE needs to be practicing regularly to keep proficient. In many rural areas with a census of 2 patients a day in the emergency room, this is not possible.

In closing, thank you for your time and attention to this important issue.

Sincerely,



Andy Davidson
President & CEO
Oregon Association of Hospitals and Health Systems

Attachments:

- Oregon SAE/SANE Certification Commission standards [ORS 147.403](#)
- Oregon Statute requiring the district attorney in each county shall organize a SART (Sexual Assault Response Team) [ORS 147.401](#)
- OAHHS in partnership with Oregon SATF webcast, "Sexual Assault: New Regulations & Laws" on June 20, 2018 for hospital staff
- List of Oregon hospitals that have a SANE program or affiliation